

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

CLARA FULLER, *et al.*

PLAINTIFFS

v.

Case No. 1:20-cv-01019

ATLANTIC EXPLORATION

DEFENDANT

ORDER

Before the Court is Plaintiffs' Motions to Alter or Amend Judgment. (ECF Nos. 43, 44).¹

The Court finds this matter ripe for consideration.

Plaintiffs move the Court to alter or amend its Order (ECF No. 42) adopting the Report and Recommendation filed on January 22, 2021, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 34).² In that Order, the Court overrules Plaintiff Clara Fuller and Plaintiff George Fuller's objections and adopts Judge Bryant's recommendation to deny Plaintiff Clara Fuller and Plaintiff George Fuller's Motions to Amend Complaint and dismiss the case with prejudice.

Motions brought under Rule 59(e) "serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence." *United States v. Metropolitan St. Louis Sewer Dist.*, 440 F.3d 930, 933 (8th Cir. 2006). Rule 59(e) motions do not allow a party to relitigate matters previously resolved by the Court or to raise arguments or present evidence that could have been presented prior to the entry of judgment. *Holder v. United States*, 721 F.3d 979, 986 (8th Cir. 2013).

¹ Plaintiff Clara Fuller filed a Motion to Alter or Amend Judgment (ECF No. 43) and the following Plaintiffs signed that Motion: Patricia Dockery, Elizabeth Donell, Grace Fuller, Thurman Fuller, and Louise Sawyer. Docket No. 44 reflects these signatures and the Court will address all Plaintiffs collectively.

² The present motion was filed on June 3, 2021, however, the postage indicates that it was sent via USPS to the Clerk of the Court on May 26, 2021. The deadline to file a motion to alter or amend a judgment was June 1, 2021. Nevertheless, the Court will review the motion on the merits.

Plaintiffs argue that good cause has been demonstrated and that the Court should grant leave to amend Plaintiffs' complaint. Plaintiffs do not raise any claims or arguments that were not raised prior to the Court's Order adopting the Report and Recommendation. Plaintiffs' disagreement with the Court's findings does not equate to a mistake or any other reason that would justify departure from the Court's initial ruling.

Accordingly, the Court finds that Plaintiff has failed to point the Court to any manifest error of law, manifest error of fact, or newly discovered evidence such that would allow the Court to appropriately alter or amend its ruling. For the reasons stated above, the Court finds that Plaintiffs' motions (ECF Nos. 43, 44) should be and hereby are **DENIED**.

IT IS SO ORDERED, this 15th day of June, 2021.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge